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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 JOHN THOMAS ENTLER,
8 Plaintiff,
9 vs.
10 DEBORAH CREELEY-LUKE and
11 LYNN CLARK,
12 Defendants.

NO: CV-12-5120-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION WITHOUT
PREJUDICE

13 Magistrate Judge Hutton filed a Report and Recommendation, ECF No. 11,
14 recommending Mr. Entler's request to Voluntarily Dismiss this action be granted.
15 Defendants have not been served. There being no objections, the Court **ADOPTS**
16 the Report and Recommendation. Plaintiff's Motion, ECF No. 10, is **GRANTED**
17 and this action is **DISMISSED WITHOUT PREJUDICE**.

18 Although granted the opportunity to do so, Plaintiff did not file a separate
19 Motion and Affidavit to waive the remaining balance of the filing fee as directed.
20

1 Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant
2 to 28 U.S.C. § 1915(b).

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
4 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff,
5 and close the file.

6 DATED this 27th day of February 2013.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge